

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNICARE LIFE AND HEALTH) Civil Action No. 04-CV-30009-KPN
INSURANCE COMPANY)
)
Plaintiff-Stakeholder)
)
v.)
)
DONALD R. MARTEL)
)
Defendant-Claimant)
)

JOINT MOTION TO DISTRIBUTE INTERPLEAD FUNDS
PREVIOUSLY DEPOSITED WITH THE COURT

Plaintiff-Stakeholder Unicare Life and Health Insurance Company ("Unicare") and Defendant-Claimant Donald Martel ("Martel") hereby move the Court to distribute \$4774.15 representing the entire stake ("the Stake") of interplead funds deposited with the Court on January 9, 2004, as follows. First, the parties request that the Court distribute and pay \$2000 to Crevier and Ryan, LLP. for its reasonable fees and costs in representing Unicare as Stakeholder in this litigation. Second, the parties request that the Court distribute and pay the remaining portion of the Stake, in the amount of \$2774.15, to Donald Martel and William T. Walsh, Esq. via a check made payable to the same.

As grounds for this motion, the parties state that Donald Martel is the sole remaining claimant to the Stake, following the entry of default judgment against Michelle Martel Landry by this Court on May 7, 2004. Furthermore, Unicare as a completely disinterested stakeholder, is entitled to recover its reasonable fees and costs associated with filing and pursuing this interpleader action. See, Foxborough Savings Bank v.

Petrosian, 84 F. Supp. 2d 172, 174 (D. Mass. 1999); citing; Ferber Co. v. Ondrick, 310 F.3d 462, 467 (1st Cir. 1962).

CONCLUSION

For all of these reasons, the parties respectfully request that the Court: 1) pay and distribute \$2000 of the Stake to Crevier & Ryan, LLP.; and 2) pay and distribute to William T. Walsh, Esq. and Donald Martel the remainder of the Stake in the amount of \$2774.15.

Respectfully Submitted,
Defendant-Claimant, Donald Martel
By his Attorney:

s/William T. Walsh
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Respectfully Submitted,
Plaintiff-Stakeholder Unicare
Life & Health Insurance Company,
By its Attorney:

s/Theodore F. Glockner
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